

May 19, 2009

**OFFICE OF THE HEARING EXAMINER  
CITY OF RENTON**

**Minutes**

OWNER: Frontier Bank  
5602 15<sup>th</sup> Avenue NW  
Seattle, WA 98107  
Attn: Bill Morrow

CONTACT: Darrell Offe  
Offe Engineers  
13932 SE 159<sup>th</sup> Place  
Renton, WA 98058

Frontier Bank Short Plat  
LUA-09-035, SHPL-H

LOCATION: 5224 NE 5<sup>th</sup> Place

SUMMARY OF REQUEST: Hearing Examiner Short Plat approval for a 39,289 square foot site to be developed into 5-lots for the eventual development of single family residences.

SUMMARY OF ACTION: Development Services Recommendation: Approve subject to conditions.

DEVELOPMENT SERVICES REPORT: The Development Services Report was received by the Examiner on May 5, 2009.

PUBLIC HEARING: After reviewing the Development Services Report, examining available information on file with the application, field checking the property and surrounding area; the Examiner conducted a public hearing on the subject as follows:

**MINUTES**

***The following minutes are a summary of the May 12, 2009 hearing.  
The legal record is recorded on CD.***

The hearing opened on Tuesday, May 12, 2009, at 9:01 a.m. in the Council Chambers on the seventh floor of the Renton City Hall. Parties wishing to testify were affirmed by the Examiner.

The following exhibits were entered into the record:

<b><u>Exhibit No. 1:</u></b> Yellow file containing the original application, reports, staff comments, proof of posting, proof of publication and other documentation pertinent to this request.	<b><u>Exhibit No. 2:</u></b> Neighborhood Detail Map

<b><u>Exhibit No. 3:</u></b> Site Plan	<b><u>Exhibit No. 4:</u></b> Landscape Plan
<b><u>Exhibit No. 5:</u></b> Utility Plan	<b><u>Exhibit No. 6:</u></b> Zoning Map

The hearing opened with a presentation of the staff report by Gerald Wasser, Associate Planner, City of Renton, 1055 S Grady Way, Renton, Washington 98055. The property is located at the southwest corner of NE 6<sup>th</sup> Street and Jericho Avenue NE. The proposal for 5 single family lots would have a net density of 7.94 dwelling units per acre. The project is located in the R-8 zone. The proposal is consistent with the density requirements for the R-8 zone. The proposed lots range in size from 5,002 to 7,990 square feet. Access to proposed Lots 1 and 2 would be from Jericho Avenue NE, proposed Lots 3 and 4 would be directly from NE 6<sup>th</sup> Street and Lot 5 would be from NE 6<sup>th</sup> Street via an access easement across Lot 4.

The applicant indicated a 15-foot easement on the plat plan, however a 20-foot easement would be required.

The Examiner inquired why it could not be a pipestem rather than an access easement.

Mr. Wasser stated that the applicant has proposed an easement rather than a pipestem, and it is not beyond 150 feet.

The property is primarily flat with a gentle slope from the west towards Jericho Avenue NE. Drainage flows overland from the east property line into a bioswale constructed as part of the Langley Meadows Plat to the north and eventually flows into an offsite wetland and into the Cedar River.

This short plat was exempt from review by the Environmental Review Committee.

The project is in compliance with the Comprehensive Plan Land Use and Community Design Elements. All five lots are in compliance with the R-8 designation. Proposed Lot 4 contains a 15-foot private access easement which requires a 20-foot easement. The side yard setback would then require a 15-foot setback from that easement. It appears that Lot 4 does contain enough space to accommodate that setback. It was recommended by staff that a revised site plan be submitted showing the 20-foot easement and required setbacks.

The lot coverage and parking requirements for proposed Lots 1 through 5 would be verified at the time of building permit review. There are no trees on the site. A landscape plan was submitted that proposed two trees in the front yard of each lot and to plant a five foot landscape strip along the frontage of NE 6<sup>th</sup> Street and Jericho Avenue NE. This plan does comply with the City's requirements.

Street improvements including curb, gutter and sidewalks as well as street lighting would be required along NE 6<sup>th</sup> Street.

Fire, Park and Transportation Mitigation Fees were recommended for this project.

All wire utilities would be installed underground per City Ordinance. The lot size, shape, orientation and arrangement of the proposed lots all comply with the requirements of the Subdivision Regulations and the Development Standards of the R-8 zone. Alley access was analyzed and determined to not be feasible for this project.

The project is located in the Renton School District and they have indicated that they are able to handle the new students generated by this development.

The project is located in Water District 90, a Certificate of Water Availability must be submitted to confirm that the District can provide the required fire flow rate for development. The applicant would be responsible for installing a sanitary sewer main serving the proposed 5 lots and securing the necessary easement. Individual side sewers are required. The project is within the East Renton Interceptor Special Assessment District and all fees would be required as part of the construction permit.

Darrell Offe, Offe Engineers, 13932 SE 159<sup>th</sup> Place, Renton 98058 gave a brief history of this property, which originally came forward as a plat under the name of Blessing Short Plat. After that short plat had been approved for 4 lots, there was a dispute and Mr. Blessing took the property back after the short plat was approved. Subsequently Mr. Blessing sold the property to Heritage Homes. After acquiring the property an agreement was signed with Langley Meadows, LLC, to include on the Langley Meadows construction plans the improvements necessary for the short plat, which included curb, gutter, sidewalks, street lights, storm water detention, and bioswale. All those improvements were provided as part of that agreement. During the construction of Langley Meadows, the City approved the improvements. Between the start of construction and today, Heritage Homes has gone bankrupt. The underlying financial corporation was Frontier Bank. Frontier Bank now owns this property before the Examiner today. A new short plat was submitted under the name of Frontier Bank due to the Blessing Short Plat having expired.

In July 2008 a pre-application was submitted for the property proposing 5 lots, the existing home had been demolished by Heritage Homes. In the pre-application a pipestem was proposed for Lot 5, the staff told them they could not do a pipestem because it was only allowed in order to meet minimum density. The construction for improvements to this short plat are listed on Langley Meadows, included in that are the improvements to the water system and the water availability certificate which is connected with Langley Meadows. These improvements have been installed, the water and sewer lines extend through the property, around the property and through to the property south of the Frontier Bank plat. That is why no improvements have been listed on this plan.

With the proposal here today, there is a driveway cut for Lot 3 and one for Lot 4 on NE 6<sup>th</sup>, there is a driveway cut on Jericho for Lots 1 and 2. To put in a joint driveway easement to serve Lots 4 and 5 would only require enough paved area to serve Lot 5. Lot 4 abuts Lot 5. At this point staff has recommended that a 20-foot wide, 20-foot paved access easement for both Lots 4 and 5. There does not seem to be a need for an access easement for Lot 4. A single driveway, 12-feet wide is more than adequate in this easement

Whether they do a pipestem or an access easement it will not affect the property that much, Lot 4 is 85-feet wide, with 20-feet off for the easement and another 15-feet for the side yard setback and another five feet from the other side that would still provide for a 45-foot wide house on Lot 4. The houses on Lots 1 and 2 are 40-feet wide. The main difference is that on Lot 4 the garage would be in the back where on the others the garages would be in front.

A storm water vault was designed and constructed through the back of the lots in Langley Meadows, that facility was sized for part of this short plat. From there it goes into a conveyance system in Jericho which comes down to the corner in back of Lot 30 on Langley Meadows where a bioswale easement on the back of Lots 29 and 30 is to be constructed which will treat the storm water runoff from Jericho. The water quality will also be constructed on Langley Meadows. The bioswale has not been built yet, they are approximately 95% finished with Langley Meadows. The two developments, Langley Meadows and Frontier Bank have to record simultaneous, one has right-of-way and the other improvements.

Neil Watts, Development Services Director, City of Renton stated that the policy is that shared driveways are only done where there is a clear traffic problem. There is no traffic problem in this area, these are very low volume streets, relatively flat and they do not meet the condition for a shared driveway. In this particular case

they would be better served with a pipestem versus an easement. The pipestem would be part of Lot 5 with only a five foot setback.

Right-of-way dedications are 21-feet on the north side, 30-feet on the east side, curb, gutter and sidewalk along both frontages. There is also a small dedication of a radius at the northeast corner.

Flows go south for the drainage and into the headwaters of Maplewood Creek. It might be necessary to put a condition stating that all improvements need to be in place and accepted by the City at time of recording the short plat.

Jericho has been cut off to the north, the City is trying to keep these streets as low volume residential and trying to avoid making them alternate routes for Hoquiam and other arterials in the neighborhood.

The **Examiner** called for further testimony regarding this project. There was no one else wishing to speak, and no further comments from staff. The hearing closed at 9:50 a.m.

### **FINDINGS, CONCLUSIONS & RECOMMENDATION**

Having reviewed the record in this matter, the Examiner now makes and enters the following:

#### **FINDINGS:**

1. The applicant, Darrell Offe for Frontier Bank, filed a request for a Short Plat.
2. The yellow file containing the staff report, the State Environmental Policy Act (SEPA) documentation and other pertinent materials was entered into the record as Exhibit #1.
3. The Short Plat is exempt from review by the Environmental Review Committee (ERC).
4. The subject proposal was reviewed by all departments with an interest in the matter.
5. The subject site is located at 5224 NE 5th Place. The subject site lies west of Jericho Avenue NE if that roadway were extended to the north. Jericho will be extended along the east edge of plat and connect to a new extension of NE 6th Street as part of this plat's and an adjacent plat's development.
6. The map element of the Comprehensive Plan designates the area in which the subject site is located as suitable for the development of single family uses, but does not mandate such development without consideration of other policies of the Plan.
7. The subject site is zoned R-8 (Single Family - 8 dwelling units/acre).
8. The subject site was annexed to the City with the adoption of Ordinance 4924 enacted December, 2001. An approved four-lot short plat, Blessing Short Plat, expired without being recorded.
9. The subject site is approximately 39,289 square feet. The subject site is approximately 215 feet deep (north to south) by 181 feet wide.
10. The subject site slopes down very gently toward the east.
11. There are no trees on the subject site. New trees will be required in the front yards of new lots.

12. The applicant proposes dividing the subject site into 5 lots. The lots would range in size from approximately 5,002 square feet to 7,990 square feet.
13. Proposed Lots 1 and 2 would be located along the east side of the plat with access to Jericho Avenue. Proposed Lots 3 and 4 would be along the north property line, NE 6th Street, with Proposed Lot 3 being a corner lot along both NE 6th and Jericho. As a corner lot, Proposed Lot 3 would have street setbacks along both 6th and Jericho.
14. Proposed Lot 5 would be an interior lot with its access between the western property line and the western boundary of Proposed Lot 4. The access originally was proposed to be a 15 foot wide easement across Proposed Lot 4. Staff noted that easements must be 20 feet wide. It was determined at the hearing that the access could be a pipestem access which may be 15 feet wide.
15. Staff has determined that shared driveways are not required for the proposed development since the roads have relatively low traffic.
16. The applicant will be required to dedicate property along the frontage to create access roads and to install curb, gutter and sidewalks. The dedication will be approximately 10,079 square feet.
17. The density for the plat would be approximately 7.94 dwelling units per acre. Code permits a range of between 4 and 8 units per acre.
18. The subject site is located within the Renton School District. The plat would generate approximately 3 students and they would be spread across the grades.
19. The development will increase traffic approximately 10 trips per unit or approximately 50 trips for the 5 single family homes. Approximately ten percent of the trips, or approximately 5 additional peak hour trips will be generated in the morning and evening.
20. Stormwater currently flows generally east across the subject site and the stormwater contributes to both the Honey Creek stream system and the Cedar River system. Some of the stormwater will be collected and channeled into a system on the plat being developed north of the subject site. Accommodations will have to be made to contribute funds toward maintaining this offsite system. A bioswale will handle the other flows.
21. Sewer service will be provided by the City. Domestic water service will have to be provided by the Water District 90. Fire flows will have to meet City standards.
22. The City has adopted mitigation fees for transportation improvements, fire services and parks and recreational needs based on an analysis of the needs and costs of those services. These fees are applied to new development to help offset the impacts new homes and residents have on the existing community and the additional demand for services.
23. Both access and stormwater control systems will rely on adjacent development. Therefore, timing or reliance on those necessary improvements will mandate how this proposed plat develops.

**CONCLUSIONS:**

1. The proposed plat appears to serve the public use and interest. The applicant will be creating new single family lots in an area where domestic services are available.
2. The development will increase the demands on the City's parks, roads and emergency services. The applicant shall therefore help offset those impacts by providing mitigation that matches the fees established by the City.
3. The plat creates reasonably sized and generally rectangular lots. It appears that while the applicant has a choice on how to provide access to interior Lot 5, a pipestem would allow a more generous lot size for Proposed Lot 4 without any apparent detriment to the development.
4. The applicant will have to dedicate property to allow for the appropriate development of access to and around the subject site.
5. As noted above, this development will rely on the development of public roads as well as the stormwater detention by an adjacent development. This plat shall not be granted occupancy permits until all required infrastructure, including but not limited to roads and stormwater control systems are approved by the City.
6. The applicant shall create a homeowners association or other arrangement to assure that potential residents of this plat are aware of and responsible for contributing to the maintenance of the stormwater systems serving the specific lots of this development.
7. In conclusion, the proposed plat will provide additional housing opportunities for new residents as well as increasing the tax base of the City.

**DECISION:**

The Five-lot short plat is approved subject to the following conditions:

1. This plat shall not be granted occupancy permits until all required infrastructure, including but not limited to roads and stormwater control systems are approved by the City.
2. The applicant shall create a homeowners association or other arrangement to assure that potential residents of this plat are aware of and responsible for contributing to the maintenance of the stormwater systems serving the specific lots of this development.
3. Proposed Lot 5 shall have a 15-foot wide pipestem for access to NE 6th Street.
4. A detailed landscape plan shall be submitted as part of the Final Short Plat application and that landscaping be installed prior to final inspection of the building permit.
5. Prior to recording of the short plat the applicant shall pay a Transportation Mitigation Fee of \$75.00 per average daily trip attributed to the project.
6. Prior to recording of the short plat the applicant shall pay a Fire Mitigation Fee of \$488.00 per each single family residential lot.

7. Prior to recording of the short plat the applicant shall pay a Parks Mitigation Fee of \$530.76 per each new single family lot.

ORDERED THIS 19<sup>th</sup> day of May 2009

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FRED J. KAUFMAN  
HEARING EXAMINER

TRANSMITTED THIS 19<sup>th</sup> day of May 2009 to the following:

Mayor Denis Law	Dave Pargas, Fire
Jay Covington, Chief Administrative Officer	Larry Meckling, Building Official
Julia Medzegian, Council Liaison	Planning Commission
Gregg Zimmerman, PBPW Administrator	Transportation Division
Alex Pietsch, Economic Development	Utilities Division
Jennifer Henning, Development Services	Neil Watts, Development Services
Stacy Tucker, Development Services	Janet Conklin, Development Services
Marty Wine, Assistant CAO	Renton Reporter

Pursuant to Title IV, Chapter 8, Section 100G of the City's Code, **request for reconsideration must be filed in writing on or before 5:00 p.m., June 2, 2009.** Any aggrieved person feeling that the decision of the Examiner is ambiguous or based on erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for a review by the Examiner within fourteen (14) days from the date of the Examiner's decision. This request shall set forth the specific ambiguities or errors discovered by such appellant, and the Examiner may, after review of the record, take further action as he deems proper.

An appeal to the City Council is governed by Title IV, Chapter 8, Section 110, which requires that such appeal be filed with the City Clerk, accompanying a filing fee of \$75.00 and meeting other specified requirements. Copies of this ordinance are available for inspection or purchase in the Finance Department, first floor of City Hall. **An appeal must be filed in writing on or before 5:00 p.m., June 2, 2009.**

**If the Examiner's Recommendation or Decision contains the requirement for Restrictive Covenants, the executed Covenants will be required prior to approval by City Council or final processing of the file. You may contact this office for information on formatting covenants.**

The Appearance of Fairness Doctrine provides that no ex parte (private one-on-one) communications may occur concerning pending land use decisions. This means that parties to a land use decision may not communicate in private with any decision-maker concerning the proposal. Decision-makers in the land use process include both the Hearing Examiner and members of the City Council.

All communications concerning the proposal must be made in public. This public communication permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence. Any violation of this doctrine would result in the invalidation of the request by the Court.

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The Doctrine applies not only to the initial public hearing but to all Requests for Reconsideration as well as Appeals to the City Council.